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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,506	12/26/2000	Koji Hayashi	10449-032001	4085

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EXAMINER

CHU, KIM KWOK

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 05/07/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

9

# Office Action Summary

Application No.

09/748,506

Applicant(s)

HAYASHI ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3-5, 7 & 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Claim Objections**

1. Claim 1 is objected to because of the following informalities:

(a) in claim 1, line 9, the term "the system clock" should be changed to --a system clock--.

Appropriate correction is required.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a  
printed publication in this or a foreign country or  
in public use or on sale in this country, more than  
one year prior to the date of application for  
patent in the United States.*

3. Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Shinada (U.S. Patent 5,436,875).

Shinada teaches a controller for controlling interruption and restarting of data writing to a recording medium having all of the elements and means as recited in claim 1. For example, Shinada teaches the following:

(a) as in claim 1, the data written to the recording medium 2 is stored in a buffer memory 18 (Fig. 1);

(b) as in claim 1, an encoder 14 connected to the buffer memory 18 for encoding data which is read data from the buffer memory to generate recording data (Fig. 1);

(c) as in claim 1, a clock generator 10 connected to the encoder for generating a system clock and providing a system clock to the encoder to operate the encoder (Fig. 1; system controller 10 inherently has a system clock which is used to activate the encoding process);

(d) as in claim 1, a decoder connected 14 to the clock generator for decoding the data written on the recording medium to generate decoded data (Fig. 1; system controller 10 inherently has a system clock which is used to activate the decoding process);

(e) as in claim 1, a system control circuit 10 connected to the encoder 14, the clock generator 10, and the decoder 14, for deciding whether the encoding of the encoder and the decoding of the decoder are synchronized (Fig. 1; system controller 10 decides the overflow/underrun of memories 18 and 22);

(f) as in claim 1, the system control circuit 10 starting to write (recording mode) the recording data to the recording medium from the encoder when the encoding of the encoder and the decoding of the decoder are synchronized subsequent to the interruption of the recording of data (Fig. 5A; step SP6,

encoding and decoding synchronization means the system read/write mode is normal); and

(g) as in claim 1, the clock generator suspends to provide the system clock to the encoder (SP 24, no recording of data when encoder 14 is suspended) until the decoding (SP11, read out data) catches up with the encoding, when the decoding of the decoder is delayed from the encoding of the encoder (Figs. 5A and 5B; when memory 18 is under a fixed value, reading of data stop and the system switch to a data reproducing mode; decoding is delayed from encoding because data is encoded first for a recording mode and then decoded later for a reproduction mode).

***Allowable Subject Matter***

4. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claim 2, the prior art of record fails to teach or fairly suggest a controller wherein a clock generator generates a first system clock in accordance with the decoding of the decoder, generates a second system clock based on a reference clock having a predetermined frequency, provides the first system clock to the encoder until the encoding of the encoder and the decoding of the decoder are synchronized, and provides the second system clock to the encoder after the encoding and the decoding are synchronized.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Uchida et al. (6.084,731) is pertinent because Uchida teaches an information recording/reproducing synchronizing method.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.  
20231 Or faxed to:

(703) 872-9314 (for formal communications intended for  
entry. Or:

(703) 746-6909, (for informal or draft communications,  
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park  
II, 2021 Crystal Drive, Arlington. VA., Sixth Floor  
(Receptionist).

Any inquiry of a general nature or relating to the status of  
this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Kim CHU  
whose telephone number is (703) 305-3032.

*kc 8/2/03*

Kim-kwok CHU  
Examiner AU2653  
May 2, 2003

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*William Korzuch*  
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